



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

May 8, 1995

Warren Reynolds
Salt Lake County Info. & Plan. Serv.
2001 South State, N3600
Salt Lake City, UT 84190-4050

Re: Request for Recommendation, Amend Site Plan, Lawnie Mayhew, Harper; Parley's Canyon Quarry S/035/012, [PL-92-2044-001], Salt Lake County, Utah

Dear Mr. Reynolds:

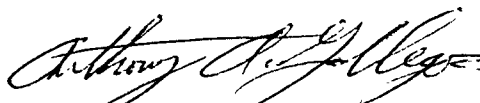
On April 24, 1995, the Division received a Request for Recommendation for the above referenced Planning Commission Agenda. The referred to attachment (letter from JBR) was not included in the information received by the Division. The proposed site plan amendment for the Parley's Canyon Quarry operation to include an 11.5 acre enlargement of the existing pit would require submission, and subsequent Division approval, of a Notice of Intention to Commence Large Mining Operations (NOI-LMO). A NOI-LMO and reclamation surety are required for mining operations which have more than five acres of surface disturbance under the Utah Mined Land Reclamation Act (Act).

The Division has received a letter dated January 5, 1995 from the law offices of Kesler & Rust representing Harper Contracting which claims this quarry operation is exempt under the rock aggregate exemption in the Act. A copy of this letter and the Division's response letter of January 20, 1995 are enclosed. A Utah Supreme Court case which may affect the definition of rock aggregate operations is currently pending. Until the court decides otherwise, the Division considers the Parley's Canyon Quarry to be subject to the Act. Therefore, prior to initiating any expansion beyond five acres of surface disturbance, the mine operator for the Parley's Canyon Quarry will need to submit an NOI-LMO for review and approval by the Division. In addition, an adequate reclamation surety will need to be posted and approved by the Board of Oil, Gas & Mining.

Warren Reynolds
May 8, 1995
S/035/012

Thank you for this opportunity to comment on this proposal. If you have any questions in this matter please contact me or Wayne Hedberg, Minerals Permit Supervisor.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anthony A. Gallegos".

Anthony A. Gallegos
Reclamation Engineer

enclosures: Kesler & Rust letter, DOGM letter
cc: Jim Carter, Director, DOGM
Lowell Braxton, Associate Director, DOGM
Tom Mitchell, Assistant Attorney General
S35-12.LET